

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

IN THE MATTER OF THE SEIZURE OF)
)
A \$150,000 Cashier's Check funded by funds)
from Carolina Federal Credit Union Account)
XXXXXX0199, such account held in the name)
of David Eric Ward.)

CASE NO. 3:23-mj-420

AFFIDAVIT IN SUPPORT OF
APPLICATION FOR SEIZURE WARRANT

I, Christopher D'Amico, being first duly sworn, hereby depose and state as follows:

1. Affiant makes this Affidavit in support of the attached Application for a civil Seizure Warrant under 18 U.S.C. § 981(b) (civil seizure warrants) for a \$150,000.00 Cashier's Check ("TARGET CHECK") funded by Carolina Federal Credit Union Account XXXXX0199, such account held in the name of David Eric Ward ("Ward's Carolina FCU Account").
2. Affiant has probable cause to believe that the TARGET CHECK constitutes or is derived from proceeds of bank fraud in violation of 18 U.S.C. § 1344 and is therefore subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C) (civil forfeiture of fraud proceeds).
3. Affiant is a United States Secret Service (hereinafter, "USSS") Special Agent and has been so employed since November 2020. Affiant has received specialized training and experience on conducting investigations involving violations of federal law, to include mail fraud, wire fraud, securities fraud, bank fraud, and money laundering. Affiant is currently assigned to the USSS Charlotte Field Office and has been assigned to participate in various investigations involving violations of federal law.
4. This Affidavit is intended to show only that there is sufficient probable cause for the requested Warrant and does not set forth all my knowledge about this matter.

5. The information contained herein comes from my personal knowledge, information conveyed by other law enforcement officers, victims identified herein, and publicly available information.

SUMMARY OF THE SCHEME

6. Affiant submits there is probable cause to believe that, in or about April 2023, within the Western District of North Carolina and elsewhere, David Ward committed bank fraud, in violation of 18 U.S.C. §§ 1344. More specifically, as set forth more fully below, Affiant has probable cause to believe that, in or about April 2023, Ward forged a \$150,000.00 check from a deceased victim's (hereafter, "VICTIM") Truist bank account and deposited that check into Ward's Carolina FCU Account. Thereafter, Carolina FCU converted the funds from Ward's Carolina FCU Account into the TARGET CHECK and turned over the TARGET CHECK to USSS.

VICTIM

7. VICTIM is the deceased uncle of Ward. VICTIM was previously employed as a local farmer in Cleveland County, North Carolina, located within the Western District of North Carolina. WARD has been charged in Cleveland County with the murder of VICTIM.

THE SCHEME

8. On or about September 28, 2023, a detective with the Cleveland County Sheriff's Office called your Affiant in regard to WARD receiving \$150,000.00 into Ward's Carolina FCU Account. The Sheriff's Office explained that the investigation had been ongoing since April 2023.

9. Specifically, on April 6, 2023, the Cleveland County Sheriff's Office received a call for service in regard to an accidental homicide. Law enforcement arrived on scene at the VICTIM's Cherryville, North Carolina residence and found the VICTIM deceased. An autopsy report later

confirmed that the VICTIM was murdered. The autopsy report estimated the time of death as April 5, 2023.

10. On the same day, April 6, 2023, a check for \$150,000.00 funded by one of VICTIM's accounts and purportedly signed by the VICTIM, was deposited into Ward's Carolina FCU Account.

11. During the course of the investigation of VICTIM's death, the Cleveland County Sheriff's Office questioned Ward about the check. Ward advised that the check was for farm expenses and was written to him by his uncle, the VICTIM.

12. In or about April and May 2023, the Cleveland County Sheriff's Office requested that the USSS Charlotte Field Office examine the check for signs of forgery. The USSS forensics lab ultimately examined the check and notified local law enforcement that the date on the forged check was "optically different" than on a genuine check.

13. Then, between April and September 2023, local law enforcement conducted additional interviews in regard to the murder and the check.

14. Specifically, local law enforcement interviewed Jeff Ward, another nephew of VICTIM. A week before VICTIM's death, Jeff Ward had received a check from VICTIM. Upon review of the signature on the alleged forged check, Jeff Ward advised that the signature on the forged check was not his uncle's signature. The nephew then physically compared his check with the \$150,000.00 check and stated the signature blocks were significantly different.

15. Further, local law enforcement interviewed David Ward's wife, who advised that David Ward was paid approximately \$500 a month and had never previously received a payment for \$150,000.00 into the TARGET ACCOUNT. Law enforcement reviewed bank statements which corroborated these statements by David Ward's wife.

16. In summary, the VICTIM's time of death was on April 5, 2023, and, on April 6, 2023, Ward deposited a \$150,000.00 forged check from VICTIM into Ward's Carolina FCU Account. On September 28, 2023, the Cleveland County Sheriff's Office arrested Ward for the murder of VICTIM.

CONCLUSION: PROPERTY SUBJECT TO SEIZURE

17. Based on the aforementioned information derived from the investigation to-date, Affiant has probable cause to believe that the TARGET CHECK, funded by Ward's Carolina FCU Account, constitutes or is derived from fraud proceeds. Therefore, Affiant submits that this Affidavit supports probable cause for a Warrant to seize and deposit the TARGET CHECK identified herein.

/s/Christopher D'Amico
Special Agent
United States Secret Service

In accordance with Rule 4.1(b)(2)(A), the Affiant attested under oath to the contents of this Affidavit, which was submitted to me by reliable electronic means, on this 30th day of November, 2023 at 2:50 PM.

Signed: November 30, 2023



David C. Keesler
United States Magistrate Judge

